**IN THE HIGH COURT OF PUNJAB AND HARYANA AT**

**CHANDIGARH.**

CWP No.9875 of 2007
Date of decision: 6.7.2007

Sunil Kumar

-----Petitioner

Vs.

Presiding Officer & Ors.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA

Present: Mr. B.R. Vohra, Advocate
for the petitioner.
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ORDER:

This petition has filed against award of the Industrial Tribunal-cum-Labour Court, rejecting the claim of the workman for reinstatement with backwages.

The claim of the workman was that he was appointed as Beldar on 1.5.1997 and his services were terminated by an oral order on 3.9.1998. He gave a demand notice raising an industrial dispute on 11.10.2000, as a result of which, the dispute was referred for adjudication on 27.7.2001. The Labour Court held that the petitioner was unable to show that he had served for 240 days. He raised the dispute after two years of his alleged termination of services.

We have heard learned counsel for the petitioner.

The finding recorded by the Labour Court is pure finding of fact that the petitioner had not completed 240 days of service. The dispute raised by him is itself a belated dispute. There was no regular recruitment of the petitioner. The employment under the State was a public employment governed by rules and regulations.

In the circumstances, the Labour Court was justified in not declaring any relief to the petitioner. The award of the Labour Court is consistent with the law laid down by the Hon'ble Supreme Court, inter-alia, in ***Municipal Council, Samrala v. Raj Kumar*** (2006)3 SCC 81, ***Gangadhar Pillai v. Siemens Ltd.*** (2007) 1 SCC 533 and ***State of U.P. v. Neeraj Awasthi*** (2006) 1 SCC 667. The said judgments have been referred in D.B. judgment of this Court in C.W.P. No.17711 of 2006 (***Ravi Kant v. The Presiding Officer, Labour Court-II, Faridabad and another)*** decided on 5.7.2007.

Accordingly, the writ petition is dismissed.

( ADARSH KUMAR GOEL )
JUDGE

July 06, 2007
ashwani

( AJAI LAMBA )
JUDGE